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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Judgment Creditor,

V.

JONATHAN OWENS.

Judgment Debtor.

and

E-ONE, and its Successors or Assigns.

Garnishee.

Case No.: 2:15-cr-00339-GMN-DJA

MOTION FOR ENTRY OF A FINAL ORDER OF GARNISHMENT

The Plaintiff, the United States of America, by counsel, CHRISTOPHER CHIOU, Acting United States Attorney for the District of Nevada, and SUMMER A. JOHNSON, Assistant United States Attorney, respectfully moves the Court to enter the Final Order of Continuing Garnishment in this matter pursuant to Section 3205 of the Federal Debt Collection Procedures Act of 1990, 28 U.S.C. § 3205(c)(7). In support of this motion, the United States claims:

1. This Court entered judgment against JONATHAN OWENS on October 5, 2017 (ECF No. 98), and the outstanding balance as of June 14, 2021 is \$35,901.20.

2. The amount owing is a debt to the United States as defined in the Federal

1 Collection Procedures Act of 1990 (“FDCPA”), 28 U.S.C. § 3301-3308. See 28 U.S.C. §
2 3002(3)(B).

3 3. An Application for Writ of Continuing Garnishment was filed by the United
4 States on February 4, 2021 (ECF No. 117), and a Writ of Continuing Garnishment directed
5 to Garnishee was duly issued. (ECF No. 118). The Garnishee was served the Writ of
6 Continuing Garnishment on February 10, 2021. (ECF No. 119).

7 4. Pursuant to the Writ of Continuing Garnishment, the Garnishee filed an
8 Answer stating that at the time of the service of the Writ it had in its possession, custody, or
9 control personal property belonging to and due the Judgment Debtor in the form of wages
10 in the amount of \$650.99 per week. (ECF No. 119).

11 5. The Judgment Debtor was served by Certified U.S. Mail, a copy of the Writ
12 of Continuing Garnishment and Notified of their right to a hearing. The Judgment Debtor
13 has not requested a hearing to determine exempt property.

14 6. The FDCPA, 28 U.S.C. § 3205(a) *et seq.*, permits a court to garnish up to
15 twenty-five percent of nonexempt disposable earnings. See 28 U.S.C. § 3002(9).

16 7. All conditions to the issuance of a final order in continuing garnishment
17 against the nonexempt earnings of the Judgment Debtor are fully satisfied, and the entry of
18 the Final Order in Continuing Garnishment is appropriate. See 28 U.S.C. § 3205(c)(7)
19 (“After the garnishee files an Answer and if no hearing is requested within the required time
20 period, the Court shall promptly enter an Order directing the garnishee as the to the
21 disposition of the Judgment Debtor’s nonexempt interest in such property.”)

22 || Respectfully submitted,

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Summer A. Johnson
SUMMER A. JOHNSON
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2021, I served all of the parties in this case the United States' Motion for Final Order of Garnishment by CM/ECF and by first class mail, postage prepaid, as follows:

Garnishee:

E-ONE
1601 SW 37th Ave
Ocala, FL 34474

Judgment Debtor:

18370 SE 22nd Place
Silver Springs, FL 34488

/s/ Summer A. Johnson
SUMMER A. JOHNSON
Assistant United States Attorney

CHRISTOPHER CHIOU
Acting United States Attorney
District of Nevada
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**UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,

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FINAL ORDER OF GARNISHMENT

This matter is before the Court for consideration of the entry of a final order in garnishment pursuant to Section 3205 of the Federal Debt Collections Procedures Act of 1990, 28 U.S.C. § 3205, against the non-exempt earnings of the Judgment Debtor, JONATHAN OWENS.

The United States filed an Application for Writ of Garnishment seeking any nonexempt property belonging to or owed the Judgment Debtor by E-ONE, its Successors or Assigns (“Garnishee”). A Writ of Garnishment was properly served on Garnishee, which filed an Answer stating that it had in its possession, custody or control, personal property belonging to and due the Judgment Debtor in the form of wages in the amount of \$650.99

per week.

The Judgment Debtor was served with the Writ of Garnishment and notified of their right to claim an exemption or request a hearing. The Judgment Debtor did not request a hearing to determine exempt property.

Having considered the Application, Garnishee's Answer and noting that the Judgment Debtor has not exercised their right to request a hearing, the Court GRANTS the United States' Motion for Final Order of Garnishment and orders as follows:

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Garnishee is hereby ordered to pay into the hands of the Clerk, U.S. District Court, at least monthly, the lesser of:

1. Twenty-five percent (25%) of Judgment Debtor's disposable earnings; or
 2. All amounts of Judgment Debtor's disposable earnings in excess of 30 times the federal minimum hourly wage. See 15 U.S.C. § 1673(a)

To calculate disposable earnings, subtract the following from wages, commissions, income:

1. Federal Income Tax; and
 2. Federal Social Security Tax; and
 3. Other state and local income taxes (if any).

IT IS FURTHER ORDERED, ADJUDGED and DECREED that all monies previously held by the Garnishee in accordance with the Writ of Garnishment shall immediately be paid to the United States.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that these sums are to be applied to the Judgment rendered in the matter in the sum of \$47,384.40, upon which there is an unpaid balance of \$35,901.20 due, as of June 14, 2021. These deductions are to continue until the total amount due is fully paid and satisfied.

Checks should be made payable to:

Clerk of the Court, U.S. District Court

1 Mailed to:

2 Clerk of the Court, U.S. District Court
3 333 Las Vegas Boulevard South, Suite 1334
4 Las Vegas, NV 89101

5 And bearing Judgment Debtor's name and case number:

6 2:15-cr-00339-GMN-DJA

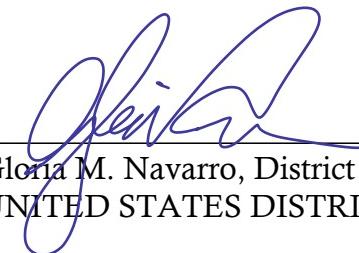
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8 **IT IS SO ORDERED.**

9

10 Dated this 9 day of July, 2021

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12 
13 Gloria M. Navarro, District Judge
14 UNITED STATES DISTRICT COURT